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ABSTRACT

The digest explores the rights as well as the responsibilities of parents of handicapped children in the special education process. Rights include a free appropriate public education, notification regarding evaluation or change in placement, informed consent, independent evaluation, review of all records, participation in the Individualized Education Program (IEP) development, education in the most normal school setting possible, and due process hearings to resolve differences with the school. Responsibilities are also considered, including monitoring the child's progress, keeping records, understanding the IEP, and joining a parent organization. Suggestions are offered to help parents contribute to the IEP process. A list of eight national organizations and six publications on the topic concludes the digest. (CL)

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1984
DIGEST

PARENTS' RIGHTS AND RESPONSIBILITIES

What are Your Rights, as a Parent, in the Special Education Process?

Public Law 94-142 clearly defined the rights of handicapped children and their parents. A fundamental provision of the law is the right of the handicapped child's parents to be in the educational decision-making process. Some of your rights during this process include:

- The right to a free appropriate public education for your child. *Free* means at no cost to you as parents. *Appropriate* means meeting the unique educational needs of your child.
- The right to be notified whenever the school wishes to evaluate your child, wants to change your child's educational placement, or refuses your request for an evaluation or for a change in placement.
- The right to initiate an evaluation if you think your child is in need of special education or related services.
- The right to informed consent. Informed consent means you understand and agree *in writing* to the evaluation and educational program decisions for your child. Your consent is voluntary and may be withdrawn at any time.
- The right to obtain an independent evaluation if you disagree with the outcome of the school's evaluation.
- The right to request a re-evaluation if you suspect your child's present educational placement is no longer appropriate. The school must RE-EVALUATE your child at least every three years. But, your child's educational program must be REVIEWED at least once during each calendar year.
- The right to have your child tested in the language he or she knows best. For example, if your child's primary language is Spanish, this is the language in which he or she must be tested. Also, students who are deaf have the right to an interpreter during the testing.
- The right to review all of your child's records. You may obtain copies of these records, but the school may charge you a reasonable fee for making copies. Only parents and those persons directly involved in the education of your child will be permitted access to personal records. If you feel that any of the information contained in your child's records is inaccurate, misleading, or violates the privacy or other rights of your child, you may request that the information be changed. If the school refuses your request, you then have the right to request a hearing in order to challenge the questionable information in your child's records.
- The right to be fully informed by the school of all your rights that are provided to you under the law.
- The right to participate in the development of your child's individualized education program (IEP). The school must make every possible effort to notify you of the IEP meeting and to arrange it at a time and place that is convenient for you. Remember, your child's IEP cannot be implemented without your *written consent*.
- The right to have your child educated in the most normal school setting possible. Every effort should be made to develop an educational program which will provide the greatest amount of contact with nonhandicapped children.
- The right to request a due process hearing to resolve differences with the school that could not be resolved informally.

What are Your Responsibilities, as a Parent, in the Special Education Process?

Parental responsibilities to ensure that a child's rights are being protected were less clearly defined in P.L. 94-142 than were parental rights. These responsibilities vary considerably depending on the nature of the child's handicapping condition and other factors. In accepting these responsibilities, some of the following suggestions may be helpful.

- Develop a partnership with the school. You are now an important member of the school team. Share with the school relevant information about your child's abilities and behavior, as well as any concern you may have about your child's education. Your observations and suggestions can be a valuable resource for your child's progress.
- Ask for clarification of any aspect of your child's education that is unclear to you. Educational and medical terms can be confusing, so don't hesitate to ask.
- Understand the program specified on the IEP before agreeing to it or signing it. Ask yourself if what is planned corresponds with your knowledge of your child's needs.
- Take note of the regular school activities included in the educational program for your child. Don't forget nonacademic areas such as lunch and recess and other areas such as art, music, and physical education. Your child should be included in these activities.
- Learn as much as you can about your rights and the rights of your child. Ask the school to explain these rights, as well as the policies and regulations in effect in your district and state before you agree to a special education program for your child.
- Check your child's progress. If your child is not progressing, discuss it with the teacher and determine if the IEP should be modified. As a parent, you can initiate changes in your child's educational program.
- Discuss any problems that may occur with your child's assessment, placement, or educational program with the school. It is best to try to resolve these problems directly with the school or district. In some situations, you may be uncertain as to which direction you should take to resolve a problem. Most states have Protection and Advocacy agencies that can provide you with the guidance you may need to pursue your case.
- Keep records. There may be many questions and comments about your child that you will want to discuss with the school, as well as meetings and phone conversations you will want to remember. It is easy to forget information useful to your child's education that is not written down.

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- Join a parent organization. In addition to offering the opportunity to share knowledge, experiences and support, a parent group can be an effective force on behalf of your child. Many times parents find that as a group they have the power to bring about needed changes to strengthen and broaden special education services.

As the Parent of a Handicapped Child, What Can You Offer the IEP Process?

In the final analysis, parents of handicapped children should be involved in the IEP process as much as they want to be and as much as they can be. Varying degrees of involvement are possible. The following suggestions are ways in which parents can become involved in the IEP process.

- Before attending the IEP meeting, make a list of the things that your child can do and of the things that you think your child should learn during the school year. Check your list with the school's list of skills to be included in the IEP. Discuss any differences between the lists. Take notes about your child's behavior which could interfere with the teaching process. Describe the methods which you have found successful in dealing with these behaviors.
- Bring any information the school may not already have to the IEP meeting. Examples include copies of medical records, past school records, or test or evaluation results. Remember, reports do not say all there is to say about a child. You can add real-life examples to demonstrate your child's ability in certain areas.
- Besides your child's teacher, many other specialists and professionals may have contact with your child. These professionals may be providing "related services" to your child. Ask each professional to describe the kind of service they will be providing and what growth you might expect to see as a result of these services.
- Ask what you can do at home to support school programs. Many skills that the child learns at school can be used at home. Ask to meet with the teacher when your child is learning a new skill which could be practiced at home.
- Make sure the goals and objectives on the IEP are specific. This will ensure that everyone teaching your child is working toward the same goals. Be sure that you understand and agree with each of the goals and objectives on the IEP before signing it.
- After the IEP meeting is over, your job as parent is not finished. You should follow your child's progress in school throughout the year. For example, it may be helpful to request a copy of your child's assessment reports and IEP. Periodically, ask for a report on your child's progress to be sure you know what kind of progress is being made.
- Education should be a cooperative effort. If, at any point, you and the school cannot reach an agreement over your child's educational needs and IEP, ask to have another meeting. This would allow time for you and the school to gather more information and data. If after a second meeting there is still a conflict over your child's program, you should ask for a state mediator or a due process hearing.

What Resources Are Available to Help You?

Many of the resources listed below are national organizations for handicapped children. They will be able to direct you to state and local chapters which can be contacted for more local support.

The Council for Exceptional Children, 1920 Association Drive, Reston, VA 22091

American Coalition of Citizens with Disabilities, 1346 Connecticut Avenue, NW #817, Washington, DC 20036

Association for Children with Learning Disabilities, 5225 Grace Street, Pittsburgh, PA 15236

National Association for Retarded Citizens, P.O. Box 6109, 2709 Avenue E East, Arlington, TX 76011

National Association of the Physically Handicapped, 6423 Grandville Avenue, Detroit, MI 48228

United Cerebral Palsy Association, 66 East 34th Street, New York, NY 10016

National Center for Law and the Handicapped, 1235 North Eddy Street, South Bend, Indiana 46617.

American Civil Liberties Union, 84 Fifth Avenue, New York, NY 10011

Other Resources

Available from The Council for Exceptional Children, 1920 Association Drive, Reston, VA 22091 (703/620-3660).

Special Education in America: Its Legal and Governmental Foundations, edited by Joseph Ballard, Bruce Ramirez and Frederick J. Weintraub. 1982. 112pp. $16.50.

Progress in the Education of the Handicapped and Analysis of P.L. 98-199, The Education of the Handicapped Act Amendments of 1983, edited by Frederick J. Weintraub and Bruce Ramirez. 1984. Approx. 68pp. $6.00.

Judicial Interpretation of the Education for All Handicapped Children Act, by H. Rutherford Turnbull III, Esq., and Craig R. Fiedler, Esq. 1984. 28pp. $6.00.

Policy Considerations Related to Early Childhood Special Education, by Barbara J. Smith. 1982. 24pp. $4.00.

An Appropriate Education for Handicapped Children of Limited English Proficiency, by Leonard Baca and Jim Bransford. 1982. 25pp. $4.00.

Assessment, Placement, and Programming of Bilingual Exceptional Pupils: A Practical Approach, by Maximino Plata. 1982. 54pp. $7.00.

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